

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

AMERICAN CONTRACTORS  
INDEMNITY COMPANY,

Plaintiff,

v.

Civil Action

JOHN ATAMIAN, et al.,

No. 08-2586-JWL/GLR

Defendants.

**MEMORANDUM AND ORDER**

The Court has for consideration Plaintiff's Motion to Compel Production of Documents from Defendants Sherry Boeding and New Image Investments, LLC (doc. 33). Pursuant to Fed. R. Civ. P. 37.1, it requests the designated defendants to produce documents responsive to American Contractors Indemnity Company's First Request for Production of Documents to Defendants Sherry Boeding and New Image Investments, LLC (doc. 34). No defendant has filed a response to the motion. The response time has expired.

At the scheduling conference held on May 19, 2009, the Court addressed the question of time within which defendants should produce the requested documents and relevance of some of the documents. After giving due consideration to the motion and hearing oral arguments of the parties, the Court finds that the motion should be sustained in part and overruled in part as follows: No later than **June 18, 2009**, defendants Sherry Boeding and New Image Investments, LLC shall produce for inspection and copying by plaintiff all documents responsive to requests 1 through 3 and 8 through 15 of the request for production, except for income tax returns for the year 2004, and no later than **July 3, 2009**, produce any documents responsive to requests 4 through 7 that counsel for plaintiff has identified by correspondence to defendants that it cannot obtain from its counsel of record for related, pending probate litigation in California. Defendants shall produce the documents

to counsel for plaintiff at the offices of Levy and Craig, 1301 Oak, Kansas City, Missouri 65106, or at such other place as the parties may agree.

IT IS THEREFORE ORDERED THAT Plaintiff's Motion to Compel Production of Documents from Defendants Sherry Boeding and New Image Investments, LLC (doc. 33) is sustained in part and overruled in part, as set forth herein.

IT IS SO ORDERED.

Dated in Kansas City, Kansas, on May 20, 2009.

s/ Gerald L. Rushfelt  
Gerald L. Rushfelt  
United States Magistrate Judge